

**From:** Son Hawaii [son.hawaii@yahoo.com]  
**Sent:** Thursday, March 13, 2008 6:30 AM  
**To:** City Clerk  
**Subject:** Oppose Bills 6, 7 & 9, Support Bill 9: Rockingham-VA bans short term rentals in residential zones



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HONOLULU, HAWAII

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P.O. Box 88131  
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[www.sonhawaii.org](http://www.sonhawaii.org)

Dear Council Members;

The operators of illegal B&B's and TVU's have repeatedly claimed that “only” Oahu has issues with short-term rentals. Please review the attached PDF file (**Rockingham-VA bans short term rentals in residential zones**) that demonstrates their propaganda is false. Visitor lodging business such as B&B's and TVU's being located in residential zoned neighborhoods is increasingly becoming a problem for many municipalities around the country and the world.

Thank you for protecting our residential zoned neighborhoods.

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## DAILY-NEWS RECORD ONLINE

## Residents To Stand Firm Against Rentals

Posted 2007-07-05

By Jenny Jones

As Rockingham County officials consider whether to allow short-term rentals under special-use permits, some Massanutten Village residents say they will continue to stand firm against such rentals.

Gene Hauze, a Massanutten resident who filed a complaint with the county over short-term rentals, says he doesn't think requiring special-use permits goes far enough. He says the county should simply stop allowing short-term rentals in all residential neighborhoods.

"I think [the county is] waiting for a public hearing to see what the outcry is, and they're going to get one," Hauze said. "I don't think they're thinking about the residents and the families living in the county."

The Rockingham County Planning Commission and Board of Supervisors will have to hold public hearings before amending the zoning ordinance to require special-use permits, County Administrator Joe Paxton has said.

### History Of The Rental Issue

Short-term rentals have been an issue since last year, when Hauze filed a complaint with County Zoning Administrator Diana Stultz.

Hauze complained that Eric and Kimberly Pisk and Anthony Christian Iudica, who together own two houses in Massanutten, are renting out their homes short-term.

At that time, Stultz reviewed the complaint and studied the zoning ordinance for the R-4 designation, which covers planned residential communities. Massanutten is the only area in the county zoned R-4.

In September, Stultz ruled that the zoning ordinance prohibited short-term rentals. Therefore, the Pisks and Iudica would either have to stop renting out their homes or appeal.

The Pisks and Iudica appealed to the Rockingham County Board of Zoning Appeals. The BZA upheld Stultz's decision, so the trio appealed again, this time to the Rockingham County Circuit Court.

Before the case went to trial, the Virginia Supreme Court ruled in a similar case in Bedford County that the term "residential" includes short-term rentals.

In that case, the Supreme Court overturned a Bedford County Circuit Court decision to prohibit short-term rentals in Smith Mountain Lake, a residential community similar to Massanutten Village.

After the Supreme Court's ruling, Rockingham County pulled out of its lawsuit because its argument was based on defining "residential" as prohibiting short-term rentals, according to Chris Brown, who was county attorney at the time of the ruling.

### Concern For Quality Of Life

Although the lawsuit was nixed, Rockingham County Board of Supervisors recently asked the county attorney to provide it with other options for dealing with the rental issue, Paxton has said.

Brown told the board it could either allow the rentals to continue, stop the rentals with an ordinance amendment or require people who rent out their homes to get special-use permits.

The supervisors then asked county staff to pen an ordinance amendment that would require the permits and asked the Planning Commission to consider it.

Shirley Tranquill, a Massanutten resident, said that if the county allows the short-term rentals to continue with special-use permits or otherwise, residents' quality of life will diminish.





"If the Board of Supervisors chooses special-use permits, they are totally letting down the huge majority of the people who reside in, vote in and contribute to the community of Massanutten Village and Rockingham County," Tranquill said in a written statement. "Most of the owners of the rental houses are investors; their focus is on profit."

Hauze said he plans to encourage the county to wait to make a decision on the rentals until the covenant lawsuit he and other residents have filed against the Pisks and Iudica is adjudicated.

If the court finds that Massanutten's covenants prohibit short-term rentals, the county would not need to change the zoning ordinance, Hauze said.

"They should wait until the Massanutten covenant case is done," he said. "It may not be an issue in Massanutten."

Contact Jenny Jones at 574-6286 or [jjones@dnronline.com](mailto:jjones@dnronline.com)

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